

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
LUFKIN DIVISION

KEITH ANDRE WILSON §
VS. § CIVIL ACTION NO. 9:21cv36
UNITED STATES DISTRICT COURT §

MEMORANDUM OPINION

Plaintiff Keith Andre Wilson, proceeding *pro se*, filed this civil rights lawsuit pursuant to 42 U.S.C. § 1983. Plaintiff has filed a motion seeking leave to proceed *in forma pauperis* in this matter.

Discussion

Title 28 U.S.C. § 1915(g) prohibits prisoners from repeatedly filing frivolous or malicious complaints on an *in forma pauperis* basis, as well as complaints that fail to state a claim upon which relief may be granted. Section 1915(g) provides as follows:

In no event shall a prisoner bring a civil action or appeal a judgment in a civil action [*in forma pauperis*] . . . if the prisoner has, on three or more occasions . . . brought an action or appeal in a court of the United States that was dismissed on the grounds that it is frivolous, malicious or fails to state a claim upon which relief may be granted, unless the prisoner is under imminent danger of serious physical injury.

Prior to the date on which he filed this lawsuit, at least four lawsuits and appeals filed by plaintiff were dismissed as frivolous.¹ At the time plaintiff filed this lawsuit, he was incarcerated at the Eastham Unit of the Texas Department of Criminal Justice, Correctional Institutions Division. As a result, Section 1915(g) is applicable.

Plaintiff complains that certain prior lawsuits were adjudicated improperly. His allegations do not demonstrate he was in imminent danger of serious physical injury on the date he filed this lawsuit. Section 1915(g) therefore bars plaintiff from proceeding with this lawsuit on an *in forma*

¹ *Wilson v. Texas Tech Health Science Center*, No. 7:05cv32 (N.D. Tex. Feb. 11, 2005) (dismissed as frivolous); *Wilson v. United States District Court*, No. 7:05cv7 (N.D. Tex. Feb. 10, 2005) (dismissed as frivolous); *Wilson v. Dill*, No. 2:97cv281 (N.D. Tex. Nov. 9, 1999) (dismissed as frivolous); *Wilson v. Dill*, No. 99-11297 (5th Cir. June 14, 2000) (dismissed as frivolous)..

pauperis basis.

Conclusion

For the reasons set forth above, this lawsuit will be dismissed without prejudice pursuant to 28 U.S.C. § 1915(g). An appropriate final judgment shall be entered.

SIGNED this the 2 day of **August, 2021**.



Thad Heartfield
United States District Judge